

APPEAL NO. 021279
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on April 24, 2002, the hearing officer concluded that the appellant (claimant) did not sustain a compensable injury on _____, and that she did not report the claimed injury within 30 days or establish good cause excusing her failure to give timely notice of injury. The claimant has appealed these determinations on evidentiary grounds. The respondent (carrier) urges the sufficiency of the evidence to warrant our affirmance.

DECISION

Affirmed.

The claimant testified that on _____, as she reached for the door to exit a restroom at work, a lady entered and pushed the door hard into the claimant's right shoulder and arm. She said she did not seek treatment or lose any time from work until February 28, 2000, and did not realize she had a right rotator cuff injury until sometime in March 2000 when the therapist giving her physical therapy for her preexisting bilateral carpal tunnel syndrome indicated the shoulder condition was a separate injury. She stated that she then reported the shoulder injury to the employer on March 22, 2000, and underwent rotator cuff surgery in July 2000.

The evidence was in some conflict on both disputed issues. However, the hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). We are satisfied that the challenged findings are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge